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Proposed Counsel for the Official  
Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 11

Hello Albemarle, LLC,

Case No. 23-41326-NHL

Debtor.  
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**APPLICATION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
OF HELLO ALBEMARLE LLC FOR ENTRY OF AN ORDER AUTHORIZING  
THE EMPLOYMENT AND RETENTION OF GOLDBERG WEPRIN FINKEL  
GOLDSTEIN LLP AS COUNSEL**

The Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned Chapter 11 case of Hello Albemarle LLC (the “Debtor”) hereby files this application (this “Application”) for entry of an order substantially in the form annexed hereto as Exhibit “A” authorizing the retention and employment of Goldberg Weprin Finkel Goldstein LLP (“GWFG”) as its counsel pursuant to Section 1103 of Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of this Application, the Committee also files the Declaration of Kevin J. Nash of Goldberg Weprin Finkel Goldstein LLP as proposed Counsel to the Committee (the “Nash Declaration”), attached hereto as Exhibit “B”.

**BACKGROUND**

1. On April 19, 2023, (the “Petition Date”), an involuntary petition was filed against the Debtor by a group of petitioning creditors who were former investors in the Debtor and retained

rights to obtain a return of their capital. The Debtor ultimately consented to an order for relief under Chapter 11 which was entered on September 22, 2023. As a result, the Debtor is operating its business and property at 2417 Albemarle Road, Brooklyn, NY (the “Property”) as a debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

2. On or about October 13, 2022, the Debtor, NY Secured Funding LLC (the “Senior Lender”) and the petitioning creditors entered into a stipulation of settlement providing for, *inter alia*, the framework to administer the Chapter 11 case pending a sale of the Debtor’s Property. The settlement was approved by the Bankruptcy Court on November 22, 2023.

3. On December 11, 2023, the Office of the United States Trustee (the “U.S. Trustee”) appointed the Committee, consisting of the following members: Lisa Stewart Hughes, JG Albemarle LLC and Yitzchok Mueller.

4. On or about December 19, 2023, the Committee held an organizational meeting and selected Goldberg Weprin Finkel Goldstein LLP (“GWFG”) as its proposed counsel. GWFG previously represented the petitioning creditors in commencing the bankruptcy case. Additionally, at the organization meeting, the members of the Committee determined that the business of the Committee shall be conducted by unanimous vote and that Charles Brachfeld was designated as an ex-officio member.

#### **RELIEF REQUESTED AND REASONS THEREFOR**

6. By this Application, pursuant to section 1103(a) of the Bankruptcy Code and Bankruptcy Rule 2014, the Committee requests entry of the proposed order prefixed hereto,

approving the employment and retention of GWFG, *nunc pro tunc* to the organizational meeting on December 19, 2023 as its bankruptcy counsel.

7. The Committee believes that, based upon GWFG's experience in this and other bankruptcy cases, it would be beneficial for the Committee to retain GWFG as its counsel.

8. Pursuant to Section 1103(a) of the Bankruptcy Code, the Committee requests that this Court approve the employment of GWFG as its counsel to, among other things:

- (a) Coordinate and attend the meetings of the Committee;
- (b) Review relevant information relating to the Property;
- (c) Assist in the efforts to sell the Property in a manner that maximizes value for creditors;
- (d) Review and investigate prepetition transactions in which the Debtor and/or its insider(s) were involved;
- (e) Investigate the claims of the Senior Lender;
- (f) File appropriate pleadings, motions and memorandums of law on behalf of the Committee; and
- (g) Perform such other legal services for the Committee as may be necessary or proper in this proceeding.

9. GWFG has advised the Committee that it intends to apply to the Court for compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code and the Bankruptcy Rules. The proposed rates of compensation, subject to final Court approval, are the customary hourly rates in effect when services are performed by the attorneys and paraprofessionals who provide services to the Committee. GWFG current billing rate is \$685.00 for partners and \$500.00 for associates and \$110.00 for paralegals.

10. Based upon the Nash Declaration filed contemporaneously herewith, the Committee is satisfied that (i) GWFG represents no interest adverse to the Committee, the Debtor, or any other party in interest in the matters upon which it is to be engaged; and (ii) GWFG's prior

representation of the petitioning creditors has ended and does not create a conflict since GWFG shall not represent any individual creditors in the bankruptcy case.

12. GWFG was retained by the Committee at the organization meeting. GWFG began providing services to the Committee by reviewing the pending Applications before the Court relating to the sale of the Property and the retention of the Broker. The Committee requests that GWFG be appointed as counsel to the Committee, *nunc pro tunc*, as of December 19, 2023.

**WHEREFORE**, the Committee hereby respectfully requests that it be authorized to retain and employ GWFG as its counsel *nunc pro tunc* to December 19, 2023, and for such other further relief as is deemed just and proper.

Dated: Brooklyn, New York  
January 8, 2024

Respectfully submitted,

The Official Committee of Unsecured Creditors  
of Hello Albemarle LLC.

By: /s/ Yisroel Eckstein  
Name: Yisroel Eckstein